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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,841	10/05/2000	Ilga Winicov	5475-US	4329

7590                  06/18/2002

Richard R. Mybeck  
Post Office Box 5540  
Scottsdale, AZ 85261-5540

[REDACTED] EXAMINER

BAUM, STUART F

[REDACTED] ART UNIT          [REDACTED] PAPER NUMBER

1638

DATE MAILED: 06/18/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/647841			

EXAMINER

Stuart Baum

ART UNIT	PAPER
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1638

9

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

The communication filed May 3, 2002 is not fully responsive to the Office communication mailed 22 May 2002 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Stuart Baum, Art Unit 1638, whose telephone number is (703) 305-6997.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

ELIZABETH F. McELWAIN  
PRIMARY EXAMINE  
GROUP 1800

*Elizabeth McElwain*

<b>Notice to Comply</b>	Application N .	Applicant(s)
	Examiner 09/647841	Art Unit
	Stuart Baum	1638

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: *Raw Sequence listing report*

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

Art Unit: 1638

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio  
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)

2. Mailed to:  
**U.S. Patent and Trademark Office**  
**Box Sequence, P.O. Box 2327**  
**Arlington, VA 22202**

3. Mailed by Federal Express, United Parcel Service or other delivery service to:  
**U. S. Patent and Trademark Office**  
**2011 South Clark Place**  
**Customer Window, Box Sequence**  
**Crystal Plaza Two, Lobby, Room 1B03**  
**Arlington, Virginia 22202**

4. Hand Carried directly to the Customer Window at:  
**2011 South Clark Place**  
**Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,**  
**Arlington, Virginia 22202**



1638

**RAW SEQUENCE LISTING**  
**PATENT APPLICATION: US/09/647,841A**

DATE: 06/03/2002  
TIME: 08:49:03

Input Set : A:\PTO.VSK.txt

Output Set: N:\CRF3\06032002\I647841A.raw Corrected by SWKNO Needed

1 <110> APPLICANT: Winicov, Ilga  
W--> 2 <120> TITLE OF INVENTION: Expression Of Alfin1 And Methods For Producing Transgenic  
Plants Having  
W--> 3 . Increased Root Growth And Root Specific Gene Activation  
W--> 4 <130> FILE REFERENCE: 5475-US  
W--> 5 <140> CURRENT APPLICATION NUMBER: US 09/647,841A  
C--> 6 <141> CURRENT FILING DATE: 2000-10-05  
W--> 7 <150> PRIOR APPLICATION NUMBER: PCT/US99/07902  
W--> 8 <151> PRIOR FILING DATE: 1999/04/08 1999-04-08  
W--> 9 <160> NUMBER OF SEQ ID: 1  
10 <170> SOFTWARE: Microsoft Word 97

Please see  
sample sequence  
listing (attached)

Does Not Comply  
Corrected Diskette Needed

## ERRORRED SEQUENCES

W--> 11 <210> SEQ ID NO: 1  
E--> 12 <211> LENGTH: ← mandatory response needed  
E--> 13 <212> TYPE: DNA  
E--> 14 <213> ORGANISM: Alfin1 → /40071 ← insert  
E--> 15 <400> SEQUENCE: TTTTATAAATATTAAAGCTTGATAATAATTG  
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E--> 17 atatttattacgttcatggtaaaaaaaaataatataatttttaccattt  
E--> 18 atatagtacaatccaaccctttagagaggtaatgtgtgcggattttc  
E--> 19 ggtgccattcacgattcttcttggtgccagcttggagaaccatcctgg  
E--> 20 ttacttcttggatgtcttagactacagctcctaaggctgtactct  
E--> 21 tcatccttcataaaaaaaaaaaagtcatataatagtttatacata  
E--> 22 aaaataaaaaatttcatccctaaaaacatagttagaaatttcataaaaa  
E--> 23 ataatttacatgccgttacggtaaaaaatggataaattgggtatggagt  
E--> 24 ataagggttcattggtaaaaaaaaactaaaaataatttctctgttgcatt  
E--> 25 cattttttggAACATGAAGGGTATTGATTTTACACCTTACACCT  
E--> 26 tcaaggatgaatatacgatggcgatcaaacacaagaatcattacg  
E--> 27 tggaacacacacatgcttaaattaatgggtggagtatcaaatttaaaa  
E--> 28 atacatccccgtcaatcttcttttttacccaataaacattgaaatg  
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E--> 34 atatttggacacacaaacttggccactttcctttttcttgccttgc  
E--> 35 gactcatattgatcaaatttggctatgaattcaaaacaaaaatttcact  
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E--> 37 aacatataacattgatcaaatttgcatttgcatttgcatttgcatttgc  
E--> 38 ctgcaatacggccgttgcattgtatcactcagcggaaaagaggatcaaa  
E--> 39 ttttatttttacaaataaaattcaaggcttgcatttgcatttgcatttgc

1038

Please  
consult  
Sequence Rules.

DATE: 06/03/2002  
TIME: 08:49:03

**Does Not Comply**  
~~aw~~ **Corrected Diskette Needed**

Methods For Producing Transgenic  
activation

**Please see**  
~~sample sequence~~  
~~Ludwig (attached)~~

**Does Not Comply**  
**Corrected Diskette Needed** for valid  
format.

use this  
date format

use lower-case  
letters when  
sequencing.

52) New sequence  
Ruler format

numbers  
off

1) Per 1.822 of  
beginning  
Rules,  
group all  
non-coding bases  
into 10's, with  
a space between  
each group of 10.

2) Insert cumulative base total at right margin of each line

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/647,841A

DATE: 06/03/2002

TIME: 08:49:03

Input Set : A:\PTO.VSK.txt

Output Set: N:\CRF3\06032002\I647841A.raw

E--> 40 tcacacccaattctcttaagtgtatgacttcatagtagtacactacactactttcttgaaac  
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(1)  
60

All sample Sequence Listing (attached)

<110> Smith, John; Smithgene Inc.

<120> Example of a Sequence Listing

<130> 01-00001

<140> PCT/EP98/00001  
<141> 1998-12-31

<150> US 08/999,999  
<151> 1997-10-15

<160>

<170> PatentIn version 2.0

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<212> DNA  
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<220>  
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<300>  
<301> Doc, Richard  
<302> Isolation and Characterization of a Gene Encoding a  
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<303> Journal of Genes  
<304> 1  
<305> 4  
<306> 1-7  
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tcatgtggca 3 atttgtggca gtggcacagg ctttttagcc aggcttaagg 299gtttccgc 180  
cgccggcgccg 4 cgccccctct cgcgttcctc tcgcgcctct ctctcgctct cccttcgtctc 240

Please consult

Appendix 3, page 2

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Met Val Ser Met Phe Ser  
1 5 5 5

tgg tct tcc aaa tgg cct gga ttt tgt ttg ttt gtt tgt ttg ttc caa 344  
Leu Ser Phe Lys Trp Pro Gly Phe Cys Leu Phe Val Cys Leu Phe Cln  
10 15 20

tgt ccc aaa gtc ttc ccc tgt cac tca tca ctg cag ccg aat ctt 389  
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25 30 35

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<212> PRT  
<213> Paramecium sp.

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20 25 30

Leu Cln Pro Asn Leu  
35

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<211> 11  
<212> PRT  
<213> Artificial Sequence

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linker between the alpha and beta chains of Protein XYZ.

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Met Val Asn Leu Glu Pro Met His Thr Glu Ile  
1 5 10

<210> 4  
<400> 4  
000

{Annex VIII follows}